

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed August 30, 2010. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 18, 28 and 35 have been amended. No new matter has been added. Accordingly, Claims 18-37 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Objections

On page 2 of the Detailed Action, the Examiner objected to Claims 18, 28 and 35 because of an informality. In particular, the Examiner suggested inserting the phrase “the second resin” between the term “bonding” and the phrase “to the first resin and the first edge of the formed skin” for clarity in line 18 of Claim 18, in line 24 of Claim 28 and in line 26 of Claim 35. In response, Applicants have amended Claims 18, 28 and 35 in accordance with the recommendation of the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection to Claims 18, 28 and 35.

Claim Rejections – 35 U.S.C. § 103

On pages 4-12 of the Detailed Action, the Examiner rejected Claims 18-20, 22 and 24-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002017360 to Hiraiwa et al. (“Hiraiwa et al.”) in view of Japanese Application No. 2001-191361 to Mizuno (“Mizuno”), and further in view of either U.S. Publication No. 20080157432 to Boyer (“Boyer”) or U.S. Publication No. 20080073813 to Smith et al. (“Smith et al.”). On page 12 of the Detailed Action, the Examiner rejected Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Hiraiwa et al., Mizuno and Boyer or Smith et al. and in further view of U.S. Patent No. 6,248,200 to Dailey et al. (“Dailey et al.”).

At the outset, Applicants note that neither Boyer nor Smith et al. are available as prior art to the present Application. The present Application, Smith and Boyer et al. were, at the time the inventions of the present Application were made, owned by Johnson Controls Technology Company or subject to an obligation of assignment to Johnson Controls Technology Company.

Even with Smith and Boyer et al. removed as available prior art, the Examiner seemed to indicate that the combination of Hiraiwa et al., Mizuno and/or Dailey et al. alone may be sufficient to render Claims 18-20 and 22-34 obvious. Such a rejection should be withdrawn because Hiraiwa et al., alone or in any proper combination with Mizuno and/or Dailey et al., fails to disclose, teach or suggest the claimed inventions.

For example, independent Claim 18 recites a “method of making a vehicle component” comprising, among other elements, “positioning a formed skin in the first cavity proximate the first mold section so that a first edge of the formed skin extends outward past the first projection toward the second mold section such that a free end of the first edge faces the first shut-off member. . . moving the first shut-off from the first position to the second position to provide a second cavity defined by a second portion of the first mold section, a second portion of the second mold section, the first edge of the formed skin that is extended past the first projection, the first resin, and the first shut-off member when in the second position, [and] injecting a second resin into the second cavity while the first edge of the formed skin remains extended past the first projection and bonding the second resin to the first resin and the first edge of the formed skin.”

Also, independent Claim 28 recites a “method of making a vehicle component” comprising, among other elements, “positioning the formed skin in the first cavity proximate the first mold section between the first projection and the second projection so that the first edge of the formed skin extends outward past the first projection toward the second mold section such that a free end of the first edge faces the first shut-off member. . . moving the first shut-off member from the first position to the second position to provide a second cavity defined by a second portion of the first mold section, a second portion of the second mold section, the first edge of the formed skin that is extended past the first projection, the first resin, and the first shut-off member when in the second position, [and] injecting a second resin into the second cavity

while the first edge of the skin remains extended past the first projection and bonding the second resin to the first resin and the first edge of the formed skin.”

Hiraiwa et al., alone or in any proper combination with Mizuno and/or Dailey et al., fails to disclose, teach or suggest such methods. In response to Applicants' previous arguments, the Examiner alleged that Hiraiwa et al., in Figures 12-13, shows that extending formed skin outwardly past a projection toward a shut-off member is known, and Mizuno, in Figure 9, shows that it would be expected that such a configuration would persist for at least some of the time while the second resin is injected. Applicants respectfully disagree that it would have been obvious to a person of ordinary skill in the art at the time of the invention to apply Mizuno to Hiraiwa et al. such that “the first edge of Hiraiwa et al.'s formed skin 54 is placed on top of Hiraiwa et al.'s formed skin 53 to extend past the first projection and, instead of allowing the first resin to fill the second cavity, a second resin is injected into the cavity to bond to both the first resin and the edge of the formed skin that is maintained to be extended past the first projection,” as alleged by the Examiner. Hiraiwa et al. teaches a one-step molding process that utilizes the filling pressure of melted resin to retract the thrust rod 35 (page 4, paragraph [0041]). The combination proposed by the Examiner would appear to destroy this advantage of Hiraiwa et al. by further complicating the process by requiring a second resin to be injected to achieve a connection that Hiraiwa et al. is able to achieve with a single resin. Accordingly, Applicants submit that Hiraiwa et al. teaches away from being combined with Mizuno in the manner suggested by the Examiner. Applicants further submit that Dailey et al. does not correct this deficiency, as it was only being relied upon for allegedly disclosing a flexible sheet material.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 18 and 28 because at least one element of such claim is not disclosed, taught or suggested by Hiraiwa et al., alone or in any proper combination with Mizuno and/or Dailey et al.. Applicants submit that Claims 19, 20 and 22-27, as they depend from Claim 18, and Claims 29-34, as they depend from Claim 28, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 18-20 and 22-34 is respectfully requested.

Double Patenting

Claims 18-37 have been provisionally rejected under the judicially created doctrine of double patenting over Claims 38-62 of copending U.S. Patent Application No. 10/569,225 in combination with Hiraiwa et al., Mizuno, Boyer, Smith et al. and/or Dailey et al.

As stated above, neither Boyer nor Smith et al. are available as prior art to the present Application. Accordingly, Applicants respectfully request withdrawal of the provisional double patenting rejection.

In the alternative, Applicants note that the present Application and copending U.S. Patent Application No. 10/569,225 are commonly owned. While Applicants do not acquiesce with the provisional double patenting rejection, Applicants request that the provisional double patenting rejection of Claims 18-37 over Claims 38-62 of copending U.S. Patent Application No. 10/569,225 be held in abeyance at this time (since a timely filed terminal disclaimer would overcome the rejection such that further consideration of the claims on that rejection should not be necessary). 37 C.F.R. § 1.111(b).

* * *

Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/30/2010 By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601